

A regular meeting of the Victor Town Board was held on March 28, 2016 starting at 7:00 PM with the following members present:

PRESENT: Supervisor Jack Marren
 Councilman Mike Guinan
 Councilman Silvio Palermo
 Councilman Dan Crowley

ABSENT: Councilman David Tantillo

OTHERS PRESENT: Debra Denz, Town Clerk; David Hou, Town Attorney; Mark Years, Highway Superintendent; John Turner, Director of Public Works; Tim Brown and Neil Stein.

Supervisor Marren called the meeting to order at 7:00 PM, and made the following announcements:

- 1) Everyone was asked to sign in on the attendance sheet, cell phones were requested to be turned off, and any private conversations or interviews to be conducted in the hallway or outside. Emergency exit locations were pointed out to the left and right sides of the Main Meeting Room.
- 2) Councilman Tantillo necessarily absent.
- 3) Congratulations to Councilman Palermo on the birth of his daughter Isabella.

The flag was saluted.

RESOLUTION #136

APPROVAL OF MINUTES

On motion of Councilman Crowley, seconded by Councilman Palermo, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

RESOLVED that the minutes of the regular meeting of February 22, 2016 be approved.

RESOLUTION #137

PAYMENT OF BILLS

On motion of Councilman Guinan, seconded by Councilman Palermo, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

RESOLVED that the bills be paid on Manifest #6 in the amount of \$335,530.43. Documentation for these expenditures can be found on vouchers filed by numbers #20160511-201600638.

A- General Townwide	\$118,946.12
B- General Outside Village	\$15,565.34
DB – Highway Townwide	\$51,258.20
SF1 –Victor Fire Protection	\$142,874.00
SL1 –Fishers Light	\$170.88
SL2 –Brookwood Meadows Light	\$178.95
SL3 –High Point Light	\$149.84
SL4 –Cobblestone Light	\$2,531.40
SL5 –Quail Ridge Light	\$494.36
SL6 –Rolling Meadows Light	\$526.87
SL7 –Legacy at Fairways	\$531.02
SL8 –Stoneleigh Light	\$30.45
TA –Trust & Agency	\$2,273.00

Supervisor Marren reviewed each of the five large expenses that were included in Manifest #6.

PRIVILEGE OF THE FLOOR

John Turner, Village Director of Public Works, reviewed the work scheduled to start in May for Maple Avenue Road Reconstruction Project. Two Phases involved, first phase will be out to bid for utility work and second phase will be completed by Village Department of Public Works. The road will be closed during the construction M-F 7:00 am -5:00 pm. Mr. Turner provided drawings of the planned detour route along School St. He reviewed that he has met with Mr. Years and the Village is providing a Memorandum of Understanding for the improvement of a portion of School St. prior to the start of the Maple Ave. reconstruction project in response to concerns he had expressed. He advised that publicity for the detour on the web site and NYS DOT message boards along with the monitoring of traffic signal timing is planned.

SUPERVISOR

Supervisor Marren distributed information in a submitted report to Town Board members, and discussed the following items:

- 1) Received a letter from a resident regarding the hours of operation of the Victor Gravel Pit.
- 2) Closing for the bond anticipation notes on March 24th.
- 3) Victor Farmington Library –copy of the procedural review that was conducted by the Bonadio Group is available for review. Recommended that a conflict of interest, whistleblower and investment policies be developed and put into place.
- 4) Town Board Communications Workshop to be held at 6:00 pm on May 7th.
- 5) Public Safety Interviews in response to the Public Safety RFP will be held Friday April 8th.
- 6) Thanked the Town Clerk for receipt of the notice for the cancellation for the burn that was scheduled at Ganondagan.
- 7) Attended an event by the former Sustainability Committee called Composting as a Community. The company that hosted the event would like to survey Village residents about composting needs and possibly provide compost service at the Farmers Market.

REPORTS SUBMITTED

Highway
Finance
Park and Recreation
Attorney
Engineer

TOWN CLERK

Debra Denz reported:

- 1) Correspondence received from the Town of Perinton notifying of a Public Hearing scheduled for 4/13/16 at 7:30 PM at the Perinton Town Hall, regarding a request to rezone property at 1669 Pittsford-Victor Rd. (Tax ID#193-02-1-14) from Industrial to Commercial proposing to construct a 20,300 square foot retail building.

COUNCILMAN PALERMO

Planning Board –Benderson Development received approval for 6,000 sq. ft. restaurant space in Victor Crossing.

RESOLUTION #138

AUBURN HILLS SUBDIVISION, SECTION 2, LETTER OF CREDIT, RELEASE 1

On motion of Councilman Palermo, seconded by Councilman Crowley, the following resolution was
ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, Woodstone Custom Homes, Inc., received Planning Board approval for Auburn Hills Subdivision, Section 2 with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, Canandaigua Bank Irrevocable Letter of Credit No. 1106159593 was previously posted with the Town; and

WHEREAS, the Engineer for the Town has reviewed the Developer's Request for Release of Funds and Statement of Construction No. 1 dated February 25, 2016 and recommends in his letter March 17, 2016 that \$331,656.67, be released from said Letter of Credit; now, therefore, be it

RESOLVED, that the Town Board hereby approves Release No. 1 on the Canandaigua National Bank Irrevocable Letter of Credit No. 1106159593 in the amount of \$331,656.67, as recommended by the Town Engineer; and further

RESOLVED, that given said release, there now remains \$973,599.33 in said Letter of Credit; and further

RESOLVED, that a copy of this resolution be forwarded to the Engineer for the Town, Woodstone Custom Homes, Inc. and Parrone Engineering.

RESOLUTION #139

MEADOWS BUSINESS PARK, LETTER OF CREDIT, RELEASE 1

On motion of Councilman Crowley, seconded by Councilman Guinan, the following resolution was
ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, John W. Danforth Company, received Planning Board approval for Meadows Business Park with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, Key Bank Irrevocable Letter of Credit No. S323601 was previously posted with the Town; and

WHEREAS, the Engineer for the Town has reviewed the Developer's Request for Release of Funds and Statement of Construction No. 1 dated March 17, 2016 and recommends in his letter March 18, 2016 that \$182,653.29, be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 1 on the Key Bank Irrevocable Letter of Credit No. S323601 in the amount of \$182,653.29, as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$37,359.28 in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, John W. Danforth Company and MRB Group.

RESOLUTION #140

AUTHORIZATION FOR PURCHASE OF 2016 KUBOTA TRACTOR WITH FRONT END LOADER PACKAGE PIGGYBACKING OFF NATIONAL JOINT POWERS ALLIANCE CONTRACT NO. 070313-KBA AND DECLARE THE 2002 KUBOTA TRACTOR SURPLUS

On motion of Councilman Crowley, seconded by Councilman Palermo, the following resolution was
ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

(Resolution #140 con't)

WHEREAS, the Department of Parks and Recreation has the need to purchase a 2016 Kubota Tractor with Front End Loader for parks and trails operations and declare the 2002 Kubota Tractor (Serial #10341) as surplus; and

WHEREAS, the equipment is available for purchase through piggybacking on the National Joint Powers Alliance (NJPA) Contract #070313 through Saxby Equipment at a cost of Forty Two Thousand Sixty One dollars and Sixty Five cents (\$42,061.65); and

WHEREAS, Town Board Resolution #99-16 authorized the establishment of Capital Project Fund H22.7110.200 for the purchase of said equipment in an amount not to exceed Forty Five Thousand dollars (\$45,000.00); and

WHEREAS, funds are available in the 2016 Budget line item H22.7110.200 Capital Parks Equipment for the purchase of a Kubota Tractor with Front End Loader to replace an existing tractor which will be declared surplus and sold at auction; now, therefore, be it

RESOLVED, that the Town Board authorizes the Director of Parks and Recreation to purchase a 2016 Kubota Tractor with Front End Loader through piggybacking on the National Joint Powers Alliance Contract #070313 in an amount not to exceed Forty Two Thousand Sixty One dollars and Sixty Five cents (\$42,061.65) under Contract #070313-KBA; and further

RESOLVED that the 2002 Kubota Tractor (Serial #10341) be declared as surplus; and further

RESOLVED, that a copy of this resolution be forwarded to Jeff Rader, Parks Maintenance Assistant; Kurt Dillman, Chief Mechanic; Brian Emelson, Director of Parks and Recreation; Debra Denz, Town Clerk; Gloria Dunton, Fiscal Manager; and Saxby Equipment.

RESOLUTION #141

EXTENSION OF BUYER AGENCY AGREEMENT WITH RE/MAX 1ST COMMERCIAL

On motion of Councilman Guinan, seconded by Councilman Palermo, the following resolution was
ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, the Victor Town Board approved Resolution #156 – Resolution Authorizing Town Supervisor to Enter Into and Sign Buyer Agency Agreement With Re/Max 1st Commercial on April 14, 2014; and

WHEREAS, the current agreement expired on December 31, 2015; and

WHEREAS, the Town Board wishes to extend the existing contract to retain Re/Max 1st Commercial's services in connection with the Town's potential purchase and/or lease of real estate to meet the Town's needs; now, therefore be it

RESOLVED, that the agreement with Re/Max 1st Commercial be extended for a two-year period, to expire on December 31, 2017; and be it further

RESOLVED that a copy of this resolution be forwarded to Re/Max, the Finance Department, and the Town Clerk.

RESOLUTION #142

AUTHORIZATION TO ACCEPT LEASE ADDENDUM FOR THE PARKS & RECREATION FACILITY,
7891 LEHIGH CROSSING

On motion of Councilman Crowley, seconded by Councilman Palermo, the following resolution was
ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, Resolution # 158 – Authorization for the Supervisor to Enter Into a Lease Agreement at 7891 Lehigh Crossing for the Use of the Department of Parks and Recreation - was approved on May 11, 2015; and

WHEREAS, the Town of Victor Architectural Review Board required the facility to be constructed with a 1' overhang on the north, west, and east walls of the recreation portion of the building, and

WHEREAS, this requirement generated an additional cost of Fourteen Thousand Four Hundred Forty Seven dollars (\$14,447.00) for the construction of the building to be allocated over the seven-year lease payments, which has now been negotiated to a Ten Thousand dollars (\$10,000.00) one-time payment; now, therefore, be it

RESOLVED that the Town Board authorizes the one-time payment of Ten Thousand dollars (\$10,000.00) to Gal-Son Development for the additional construction of a 1' overhang on the north, west, and east walls of the recreation portion of the building located at 7891 Lehigh Crossing, to be taken from the 2016 Town budget line item A.1930.400 -Judgement and Claims Contractual; and be it further

RESOLVED that a copy of this resolution be sent to Gal-Son Development, Bluestone Creek Development, LLC; the Finance Office, the Town Clerk, and the Planning Board.

RESOLUTION #143

SET JOINT PUBLIC HEARING – CONSIDER THE PETITION TO ANNEX TOWN OF VICTOR
TERRITORY TO THE VILLAGE OF VICTOR, NEW YORK

On motion of Councilman Palermo, seconded by Councilman Crowley, the following resolution was
ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, pursuant to General Municipal Law Article 17, a petition by Lynaugh Rd. Properties LLC for annexation to the Village of Victor, New York (the "Village"), of certain territory in the Town of Victor (the "Property") adjoining said Village has been received by the Town Board of the Town of Victor, New York (the "Town"), and the Board of Trustees of the Village. The property is located solely in the Town, and is more particularly described as follows:

Tax map #16.00-1-46.00, also identified as 995 County Road 9, consisting of approximately 2.2 acres and a portion of #16.18-3-1.200, also identified as 188 Church Street, said portion consisting of approximately 5,774 square feet, located on the east side of Church Street where it intersects with Hillcrest Drive at or about the boundary of the Village and the Town.

WHEREAS, such Petition is accompanied by full legal descriptions and a map of the Property, all of which documents are on file with the Victor Town Clerk where they are available for review and inspection by the public; and

WHEREAS, the Petition has been certified by the Town of Victor Assessor as being signed by the majority of the owners of the assessed valuation of the Property (Lynaugh Road Properties, LLC); and

WHEREAS, there are no inhabitants on the Property; and

(Resolution #143 con't)

WHEREAS, pursuant to General Municipal Law Article 17 the Town of Victor and the Village of Victor are required to hold a joint public hearing in relation to the Petition; now, therefore, be it

RESOLVED, that the Town Board of the Town of Victor and the Village Board of the Village of Victor will hold a joint public hearing regarding the Petition for annexation on the date of April 25, 2016, at the Victor Town Hall, 85 East Main St., Victor, NY, at 6:30 PM where both the Village and the Town will then hear public comments thereon; and be it further

RESOLVED, that all written comments are due by 12:00 PM (Noon) on May 2, 2016, and shall be directed to the Town of Victor Planning and Zoning Department at 85 East Main Street in Victor, NY or may be sent by email to the Town of Victor Planning and Zoning Department at Planning@town-victor-ny.us; and be it further

RESOLVED, that the Public Hearing Notice be provided to effected School Districts within the Town or Village, as well as any Fire Districts, Public Benefit Corporations and Improvement Districts within Property, all within 10 days of the date of the Public Hearing.

RESOLUTION #144

ADOPTION OF PROPOSED JOINT CONSOLIDATION AGREEMENT FOR THE 889 STRONG ROAD SEWER DISTRICT

On motion of Councilman Crowley, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, the Town Board of the Town of Victor ("the Town") has received a Map, Plan and Report (the "MPR") requesting an extension to the Town of Victor Consolidated Sewer District (the "Sewer District") into the parcel 889 Strong Road, Victor, NY, 14564, tax account # 14.02-1-17.000 (the proposed extension to the Sewer District is hereinafter referred to as the "889 Strong Road Sewer District"); and

WHEREAS, given the nature of the MPR and the policy of the Town of Victor with respect to sewer districts, the MPR will be treated as and has been converted to one for the establishment and consolidation of the 889 Strong Road Sewer District into the Victor Consolidated Sewer District; and

WHEREAS, simultaneous with its establishment, the Town of Victor will cause the 889 Strong Road Sewer District to be consolidated into the Town of Victor Consolidated Sewer District, so as to eliminate the additional administrative burden and costs associated with the operation of multiple sewer districts; now, therefore be it

RESOLVED, that pursuant to New York General Municipal Law Article 17-A, the Victor Town Board, acting jointly as the governing body of the Town of Victor Consolidated Sewer District as well as the governing body of the proposed 889 Strong Road Sewer District, hereby adopts the attached "Proposed Joint Consolidation Agreement between the Victor Consolidated Sewer District and the 889 Strong Road Sewer District" (the "Agreement"), which Agreement is on file with the Victor Town Clerk for public viewing; and be it further

RESOLVED, that the Town Board hereby authorizes and directs the Town Clerk to duly post a copy of the Agreement at the Victor Town Hall, publish a summary of the Agreement in the official Town newspaper once a week for four consecutive weeks, and publish a copy of the Agreement on the official Town of Victor website; and be it further

RESOLVED, that pursuant to Article 17-A of the Town Law, the Town Board of the Town of Victor shall meet at the Town Hall, 85 East Main Street, Victor, New York, on May 23, 2016, at 7:30 p.m. for the purpose of conducting a public hearing on the proposal to consolidate the 889 Strong Road Sewer District with the Victor Consolidated Sewer District, at which time and place all persons interested in the subject thereof may be heard concerning the same.

PUBLIC COMMENT

Supervisor Marren requested public comment on any subject.

No one wished to comment.

RESOLUTION #145

MOVE TO EXECUTIVE SESSION

On motion of Councilman Palermo, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

RESOLVED that the Victor Town Board enter into Executive Session for discussion of proposed acquisition/sale/lease of real property, employment history of a particular person or matters leading to said removal, and information relating to a current investigation/future prosecution of a criminal offense. The Town Attorney was requested to stay, the Town Clerk was excused. Also present: Mark Years, Al Feldstein, and Vince Pettrone. No Town Board action to take place following the Executive Session.

Time: 7:30 PM

Mark Years, Al Feldstein and Vince Pettrone left Executive Session at 8:27 PM.

RESOLUTION #146

RE-OPEN OPEN MEETING

On motion of Councilman Palermo, seconded by Councilman Crowley, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

RESOLVED that the open meeting of the Victor Town Board be reconvened. Time: 8:46 PM.

On motion of Councilman Crowley, seconded by Councilman Guinan, the meeting was adjourned at 8:46 PM.

Respectfully submitted, _____ Debra J. Denz, Town Clerk